

Board of Adjustment STAFF REPORT

Board of Adjustment: 8/22/2018
Agenda Item: 2018-6893

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SUBJECT: To receive public comment and consider Variances on an undeveloped parcel (PID 276122) located along the south side of W. Wilbarger St., between N. 1st St. and N. 2nd St, zoned Single Family Suburban District (SF-S) and Downtown District Overlay (DD). The Variance requests include reductions in the minimum Site and Lot Area, minimum Lot Width, and minimum Lot Depth as stated in Subchapter 4.2.4 of the Unified Development Code; all to be known as the W. Wilbarger Variance. (BOA1803-01)

LOCATION:

The subject property is located along the south side of W. Wilbarger St., between N. 1st St. and N. 2nd St., generally west of the W. Wilbarger St. and N. 1st St. intersection. The south and east property lines of the subject property are adjacent to approximately three (3) single family homes in the Downtown District Overlay (DD). The west property line borders an undeveloped 20' alley with a swale and a storm inlet within the Right-of-Way. The north property line is along W. Wilbarger St.



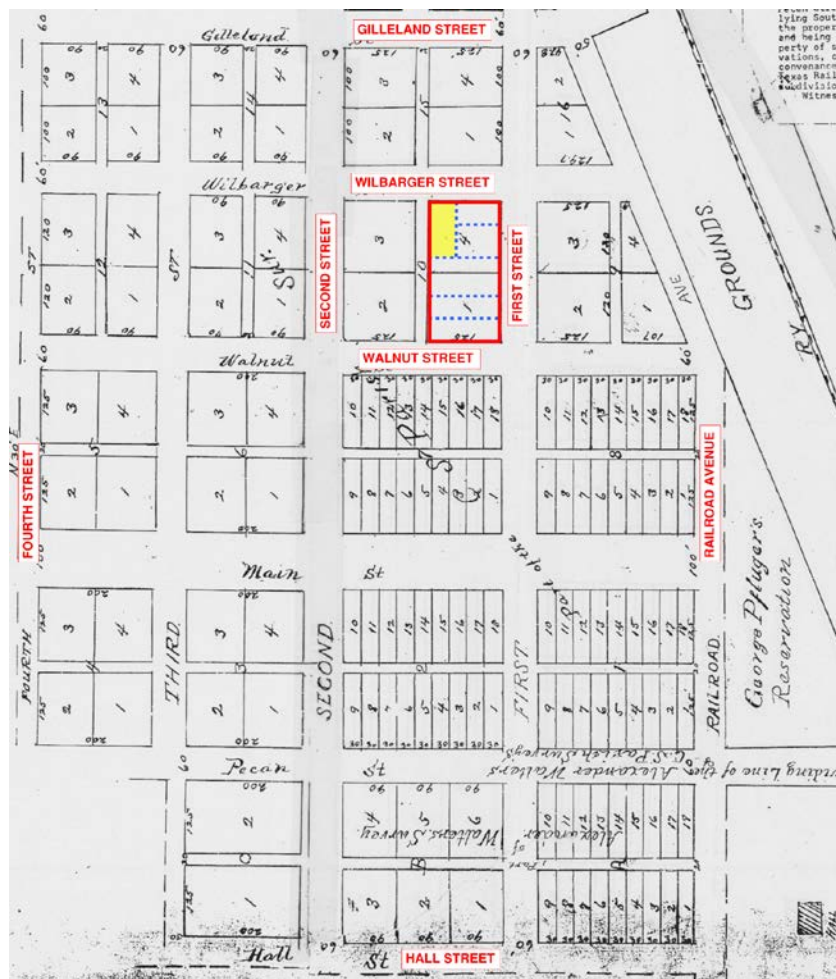
HISTORY AND VARIANCE REQUEST:

The subject property is part of the George Pfluger Addition which was platted in 1904. The George Pfluger Addition included all properties south of Gilleland St., east of Fourth St., west of Railroad Ave., and north of Hall St. The subject property was originally part of a four (4) lot-block located south of Wilbarger St., east of Second St., west of First St., and north of Walnut St.

The original four (4) lot-block included a 20' alley which stretched north and south between Wilbarger St. and Walnut St.

The subject property and surrounding area were part of the original tract of land which became the City Limits when Pflugerville incorporated in 1965, and was zoned for residential with the first zoning ordinance in 1974. Through time, the nomenclature of the zoning districts have changed; however, the zoning has remained consistent for a residential use, including the current zoning Single Family Suburban Residential (SF-S).

Based on historical zoning maps it appears the subject lot configuration may have occurred in the early 1990s. Today, if a residential lot was to be divided, it would require review through the subdivision process and compliance with all Unified Development Code (UDC) standards.



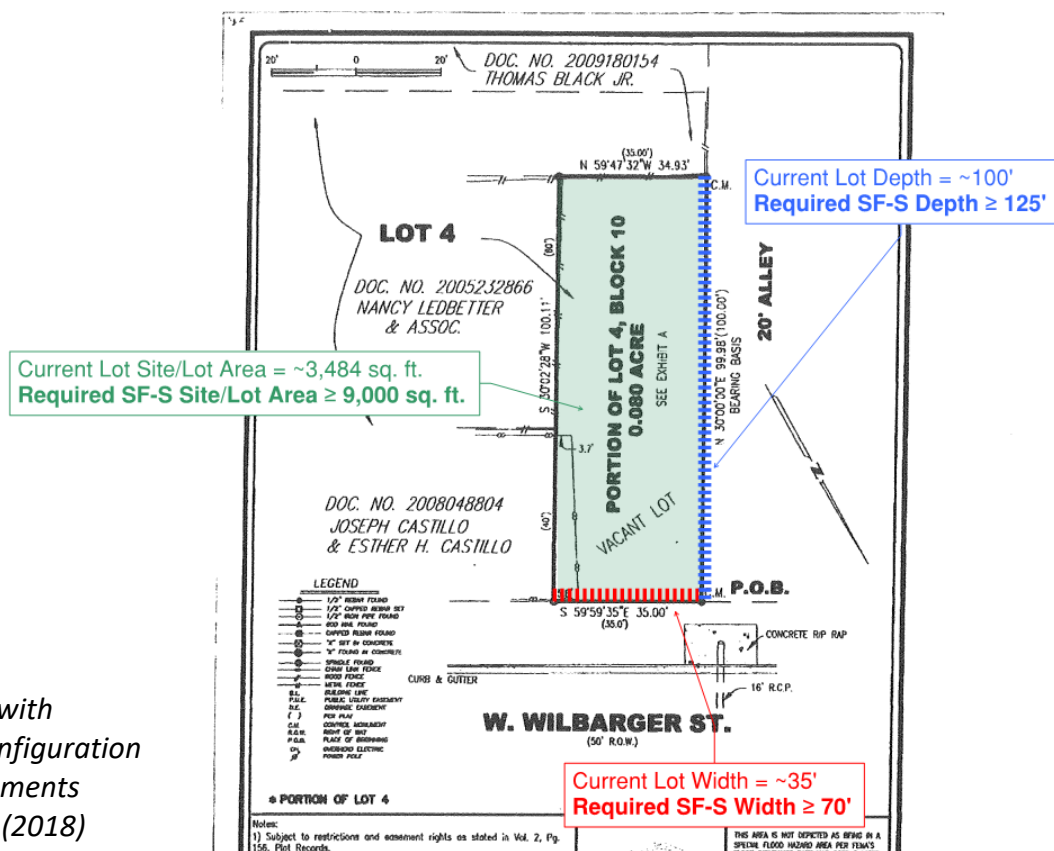
George Pfluger Addition Plat (1904) with Current Lot Configurations Superimposed (2018)

Board of Adjustment

STAFF REPORT

Prior to purchase, the Applicant met with the Planning Department to discuss the option of using the property for a residential land use. The Applicant desires to build a single family detached dwelling on the property to reside in. After the first meeting, Staff further reviewed the proposal and demonstrated to the Applicant how the subject property isn't in conformance with current lot size requirements of the base zoning district, in which the property cannot be developed unless the property was joined with an adjacent property or further action was taken by the Applicant to pursue a Variance. Staff explained to the Applicant the Board of Adjustment (BOA) process and the criteria for approval.

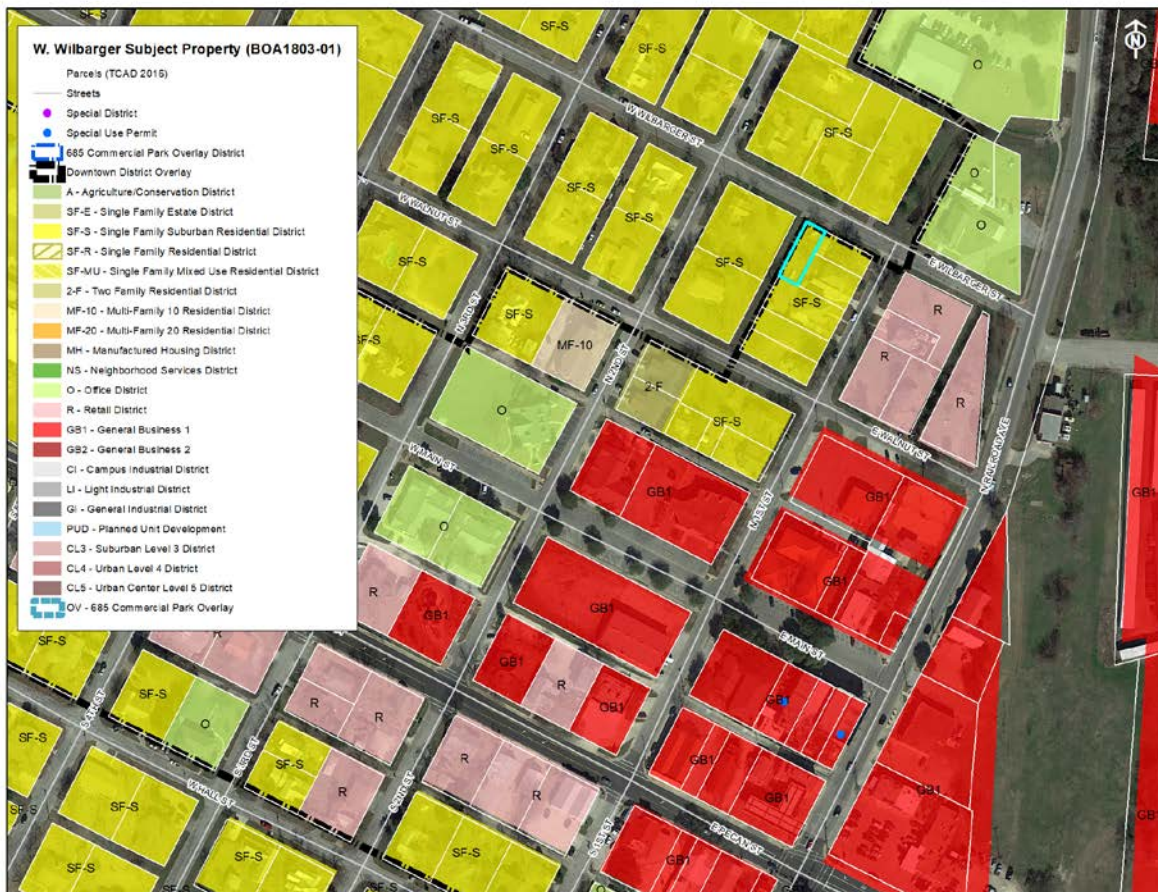
After further discussion regarding the subject property and the Board of Adjustment (BOA) process, the Applicant purchased the subject property and has proposed three (3) Variances to allow for reductions in the minimum Site and Lot Area, minimum Lot Width, and minimum Lot Depth as required by the Single Family Suburban Residential District (SF-S). The subject property is considered non-conforming due to its current Site and Lot Area, Lot Width, and Lot Depth. As the survey below shows, the subject property doesn't meet the "bulk" development regulations of Single Family Suburban Residential District (SF-S). Please refer to the subject property's current lot configuration.



Survey (2014) with
Current Lot Configuration
& SF-S Requirements
Superimposed (2018)

UNIFIED DEVELOPMENT CODE:

The Single Family Suburban Residential District (SF-S), the subject property's base zoning district, is a residential zoning district that is intended to include land which is being used, or intended to be used for low density, single family suburban housing types. The district is designed to provide sufficient, suitable residential neighborhoods, protected from incompatible uses, and provided with necessary facilities and services. Permitted land uses in the Single Family Suburban Residential District (SF-S) are listed in Subchapter 4.2.2 of the Unified Development Code, and include single family use of the property. The Downtown District Overlay (DD) is intended to serve multiple purposes, including preservation and enhancement of the City's original city site and related areas in order to promote the historic character, scale, walkability, and economic viability of the area. The district also permits single family use of the property.



Subject Property Zoning (W. Wilbarger BOA1803-01) (2018)

Board of Adjustment STAFF REPORT

The Single Family Suburban Residential District (SF-S) establishes the minimum development requirements, including lot dimensions, dwelling unit size, and building setbacks, while the Downtown District Overlay (DD) influences the architectural standards. The following Single Family Suburban Residential District (SF-S) “bulk” development requirements are not able to be achieved by the subject property:

1. Site/Lot Area of 9,000 sq. ft. or greater;
2. Lot Width of 70 sq. ft. or greater; and
3. Lot Depth of 125 sq. ft. or greater.

Table 4.2.4A specifies all the general development regulations of the Single Family Suburban Residential District (SF-S).

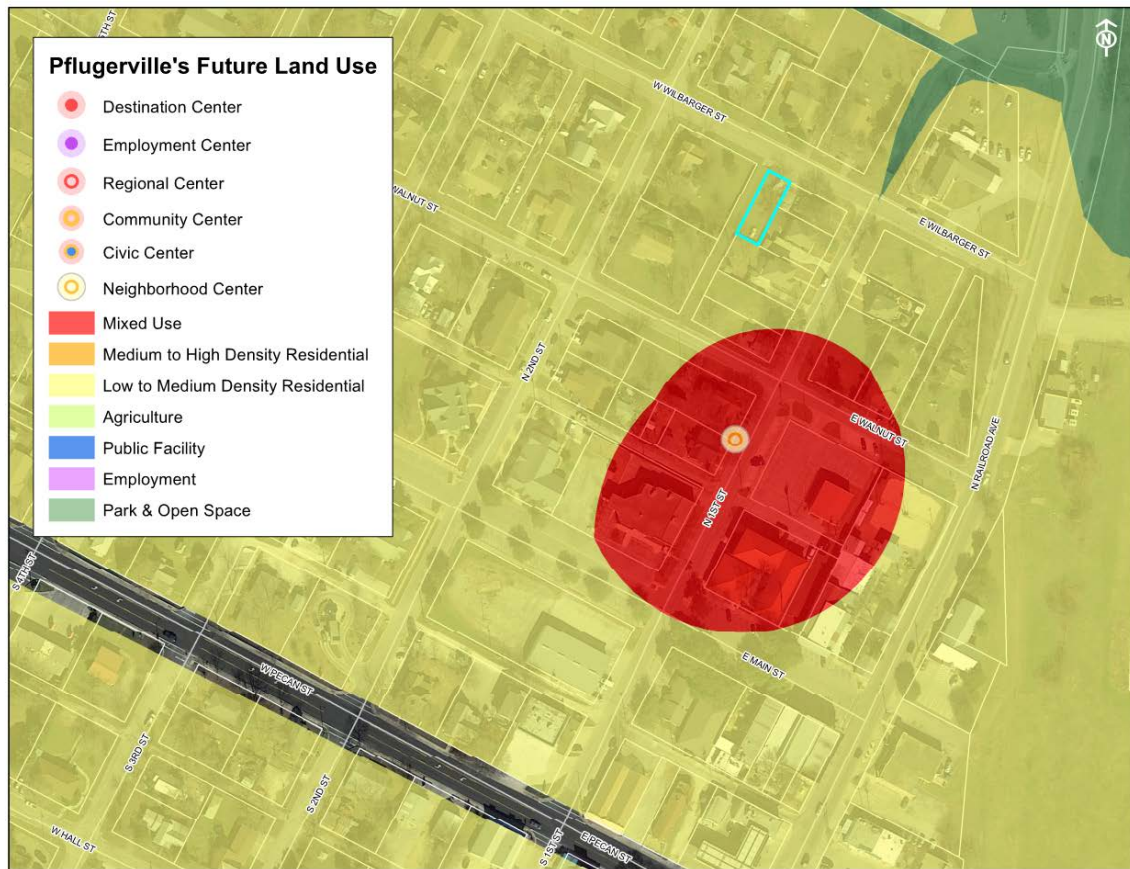
Table 4.2.4 A – General Regulations (Residential Districts)									
General Regulations	A	SF-E	SF-S	SF-R		SF-MU			2-F
Structure Type	SF Detach	SF Detach	SF Detach	SF Detach	SF Condo: Detach or Attach	SF Detach	SF Attached; Non-Residential	Condo: SF Detach, SF Attach, Non-Residential	Duplex
Minimum Site Area	3 ac	½ ac	9,000 sq. ft.	10 ac		N/A			10 ac
Maximum Site Area	N/A	N/A	N/A	N/A	Max 10% of preliminary plan	20 ac for a single use 40 ac for multiple uses			10 ac
Minimum Lot Area	3 ac	1/2 ac	9,000 sq. ft.	10-50 ac: 7,500 sq. ft. 50+ ac: 6,250 sq. ft.	N/A	5,000 sq. ft.	2,500 sq. ft.	N/A	9,000 sq. ft.
Minimum Lot Width measured at front street setback (Corner lots)	70'	90'	70'	10-50 ac: 60' 50+ ac: 50'	N/A	40'	25'	N/A	70'

Table 4.2.4 A – General Regulations (Residential Districts)

require additional 10 feet)									
Minimum Lot Depth	125'	140'	125'	125'	N/A	120'	100'	N/A	125'

COMPREHENSIVE PLAN:

The Future Land Use Map of Pflugerville's 2030 Comprehensive Plan designates the area surrounding the subject property as low to medium density residential which allows for densities between 0.5 and six units per acre. Developing the subject property accordingly as a single family land use would adhere to the vision of the Pflugerville 2030 Comprehensive Plan. According to the Future Land Use Map, the region directly southeast of the subject property is designated as mixed use with a Neighborhood Center. The mixed use designation provides a gradual transition from the existing downtown single family and the Pflugerville's downtown.



Subject Property Future Land Maps (W. Wilbarger BOA1803-01) (2018)

CRITERIA FOR APPROVAL:

The Board of Adjustment shall consider the following criteria in determining whether a zoning variance request is warranted:

1. Extraordinary Conditions: That there are extraordinary or special conditions affecting the land involved such that strict application of the provisions of this Unified Development Code will deprive the applicant of the reasonable use of their land. For example, a Variance might be justified because of topographic or other special conditions unique to the property and development involved, while it would not be justified due to inconvenience or financial disadvantage.
2. No Substantial Detriment: That the granting of the variance will not be detrimental to the public health, safety or welfare or injurious to other property in the area or to the City in administering this Code.
3. Other Property: That the conditions that create the need for the variance do not generally apply to other property in the vicinity.
4. Applicant's Actions: That the conditions that create the need for the variance are not the result of the applicant's own actions.
5. Comprehensive Plan: That the granting of the variance would not substantially conflict with the Comprehensive Plan and the purposes of this Code.
6. Utilization: That because of the conditions that create the need for the variance, the application of this Code to the particular piece of property would effectively prohibit or unreasonably restrict the utilization of the property.
7. Insufficient Findings: The following types of possible findings do not constitute sufficient grounds for granting a variance:
 - a. That the property cannot be used for its highest and best use.
 - b. That there is a financial or economic hardship.
 - c. That there is a self-created hardship by the property owner or their agent.

STAFF RECOMMENDATION:

Staff recommends approval of the proposed three (3) Variances to provide for reductions in the minimum Site and Lot Area, minimum Lot Width, and minimum Lot Depth as stated in Subchapter 4.2.4 of the Unified Development Code (UDC). The subject property cannot be developed until such time adjacent properties are combined to enlarge the size of the subject property or the proposed three (3) Variances are granted. The surrounding properties are owned by different land owners and developed as single family lots which creates the challenge to increase both the Lot Depth and Width. Also, there is no guarantee the adjacent properties will become for sale in the recent future. The subject property can't increase its Lot Width by encroaching westward into the undeveloped 20' alley with a swale and a storm inlet within the Right-of-Way. The subject property is hindered by its inability to increase its Lot Width and

Depth due to adjacent property boundaries; therefore, the minimum Site and Lot Area cannot be obtained.

The proposed Variances will not impact the public health, safety or welfare of the citizens of Pflugerville. The subject property and all future development will be held to the current zoning and development regulations. For example, the subject property will still adhere to the required setbacks, architectural requirements, and landscaping standards; therefore, not creating a negative impact to the adjacent neighbor's properties. The single family use of the property is compatible with the surrounding residential properties and Future Land Use Map.

The non-conforming configuration of the subject property was not created by the Applicant or the owner of the property. Without approval of the request, the application of the provisions of the Unified Development Code will deprive the Applicant of the reasonable use of their land. After much deliberation, Staff does believe the proposed three (3) Variances are appropriate for the Board of Adjustment's (BOA) decision and Staff does recommend approval.

If the Variances are approved:

If the three (3) Variances are approved, the subject property will be granted reductions in the following bulk standards: Site and Lot Area, Lot Width, and Lot Depth. This will grant the Applicant or owner the ability to develop the property in accordance with both the Single Family Suburban Residential District (SF-S) base zoning district and Downtown District Overlay (DD) zoning overlay.

If the Variances are denied:

If the request is denied, the subject property would remain vacant and undeveloped. No development is permitted on site until such time Variances are granted or the subject property is combined with adjacent properties to increase to bulk standards of the lot to come into conformance. Rezoning the property is not an option due to the current lot configuration of the subject property not being able to meet the bulk standards of any residential zoning district per the Unified Development Code (UDC). The smallest residential lot allowed city-wide has the following requirements for the bulk standards:

1. Site/Lot Area of 5,000 sq. ft. or greater;
2. Lot Width of 40 sq. ft. or greater; and
3. Lot Depth of 120 sq. ft. or greater.

Subject Property's Bulk Standards:

1. Site/Lot Area: ~3,484 sq. ft.
2. Lot Width: ~35'
3. Lot Depth: ~100'

Board of Adjustment STAFF REPORT

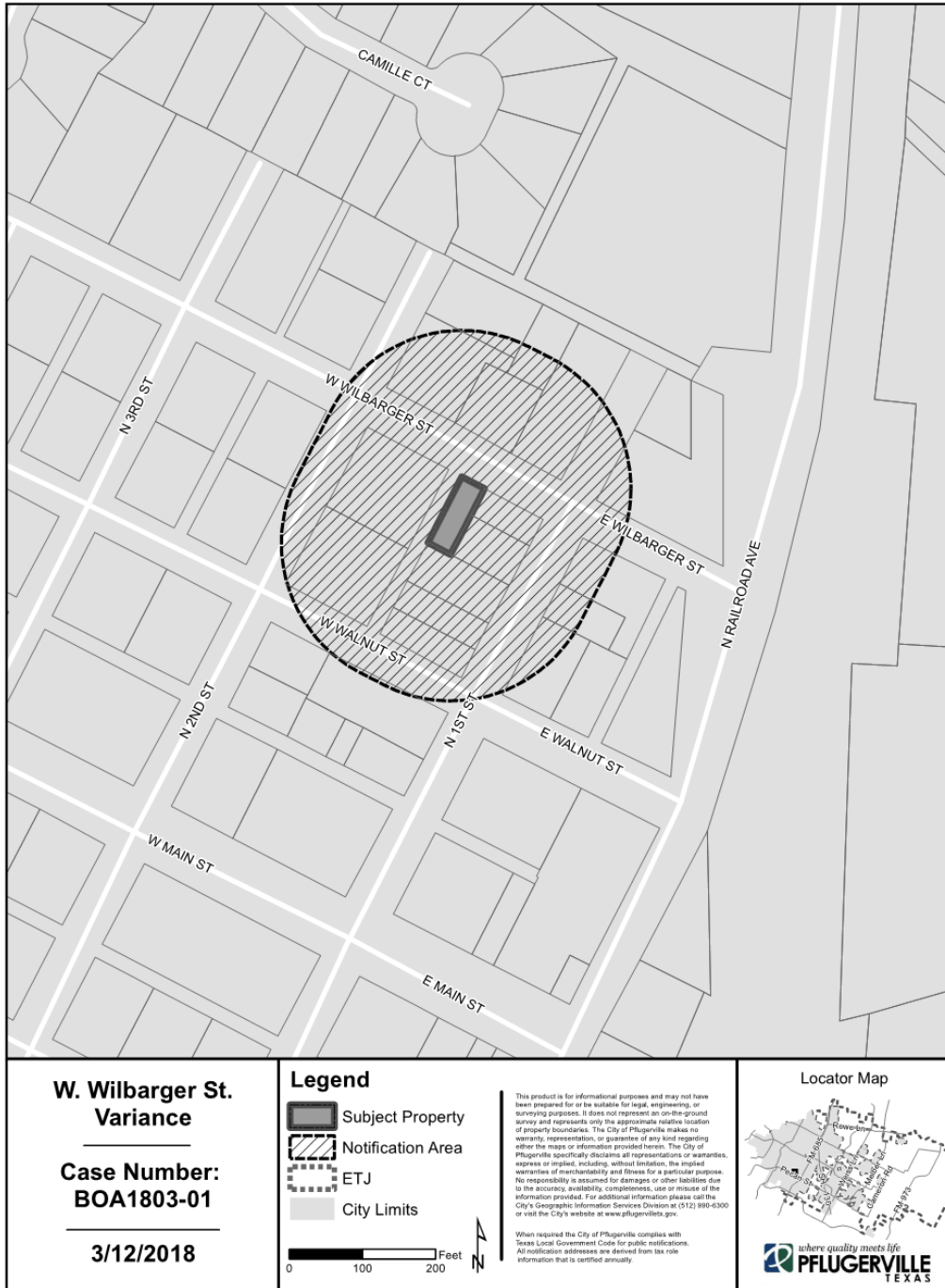
NOTIFICATION:

Notification was provided through publication, mail to property owners within 200-ft of the property, and signage on the property.

ATTACHMENTS:

- Notification Map
- Images

NOTIFICATION MAP:



IMAGES:



Subject Property North Property Line (W. Wilbarger BOA1803-01) (2018)



Public Notice Signage (W. Wilbarger BOA1803-01) (2018)